HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No. 341 of 2007

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Between:
V.P.B. Nair

… Appellant

And

The Chief Secretary to Government of Andhra Pradesh,
Hyderabad & others

….Respondents.

:: J U D G M E N T ::

Counsel for the appellant : Shri T.S. Venkata Ramana

Counsel for the respondents : Assistant Government Pleader for Home

25.04.2007

Per G.S. SINGHVI, CJ

This appeal by Shri V.P.B. Nair is illustrative of the mindset of the government servants of superior services, who find it difficult to leave the glamour of the job even after retirement, and when they cannot persuade the existing bureaucratic apparatus to help them out, such persons seek intervention of the Court.

The appellant, who served as a member of the Indian Police Service, Andhra cadre till his retirement on 31.01.2002, has already filed three cases (two writ petitions and one contempt case) for issue of a direction to the functionaries of the State Government to provide him security by claiming that on account of having worked in the naxal prone area of the State, he is likely to be targeted by the extremists.

The first writ petition filed by the appellant, which was registered as Writ Petition No.3080 of 2002 for issue of a direction to the respondents to provide him security, was disposed of by this Court on 18.02.2002 with the following directions:

> "Having regard to the facts and circumstances, without going into merits of the case, I deem it just and reasonable to permit the petitioner to make an application to the Government representing his case for continuation of security provided to him and to his family members within two weeks from today and on such application being filed, the respondents are directed to consider and pass appropriate orders within two weeks from the date of receipt of the application of the petitioner. Pending disposal of the application of the petitioner, the respondents shall not withdraw the security already provided to the petitioner.
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> Subject to the direction indicated above, the writ petition is disposed of."

After two years, he filed Writ Petition No.16297 of 2004 with the complaint that three of the four security guards provided to him were withdrawn in the second week of March, 2004 i.e. just before general elections for Lok Sabha and Assembly, and September, 2004. By an interim order, the Court directed the respondents to consider his case for providing security. He then filed Contempt Case No. 1247 of 2004, which was closed on 05.03.2007 after a conditional apology was tendered by the Director General of Police, and two security guards

were provided to him.

It is borne out from the record of this petition that in its meeting held on 23-2-2007, the Security Review Committee considered several cases and decided that there was no need to provide security to the appellant. Thereafter, Memo dated 14.03.2007 was issued withdrawing the security provided to the appellant. He then filed Writ Petition No.6770 of 2007. He also filed W.P.M.P.No.8651 of 2007 for issue of a direction to the respondents to provide him security. By the impugned order, the learned Single Judge directed the non-petitioners (the respondents herein) to provide security consisting of two PSOs/CSW at the petitioner's own expense. For the sake of reference, the interim order passed by the learned Single Judge is reproduced below:

> "The petitioner is a retired Home Secretary. It is stated that the petitioner filed W.P.No.16297/2004 in which interim order dated 14.9.2004 in WPMP.No.21263 of 2004 was issued directing the respondents to provide security to the petitioner in accordance with guidelines issued in G.O.Rt.No.655 dated 13.3.1997. However, the said writ petition was dismissed as infructuous on 1.7.2005 in view of the counter filed stating that the police provided security to the petitioner.
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> It is stated that as the interim order was not complied with the petitioner filed C.C. No.1247 of 2004, which was closed on 5.3.2007 on a conditional apology rendered by the DGP/third respondent observing that security was provided to the petitioner in terms of the order of this Court.
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> It is stated that immediately after the contempt case was closed the respondents have withdrawn the security provided to the petitioner.
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> On instructions, the learned G.P. for Home, submits that the Security Review in its meeting held on 22 and 23.2.2007 reviewed the cases and took a decision vide SRC 2007 in Circular Memorandum dated 14.3.2007 withdrawing the security provided to the petitioner (retired Home Secretary).
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> Absolutely no reasons have been shown as to how security is not required to the petitioner. Having regard to the facts and circumstances of the case, the respondents are directed to provide 2- PSOs/CSW to the petitioner, as was provided earlier, pending further orders at the expense of the petitioner."

Feeling dissatisfied with the above reproduced order, the appellant has preferred this appeal and prayed that the respondents be directed to provide him security at State expense.

Shri T.S. Venkata Ramana argued that on account of his posting as Inspector General, STF at Karimnagar with jurisdiction over the districts of Adilabad, Warangal and Karimnagar, the appellant is on the hit list of CPI-ML (PWG) and, therefore, he is entitled to be provided security at State expense. Learned counsel referred to the averments contained in paragraph 11 of the affidavit of the appellant and argued that if other persons threatened by the naxal groups can be provided security at State expense, there can be no reason to deprive similar protection to the appellant. In reply to the Court's query, learned counsel fairly stated that the appellant remained posted at Karimnagar only for a period of nine months and for the rest of the period he was posted in other districts including Hyderabad.

The learned Assistant Government Pleader submitted that security provided to the appellant was withdrawn because the Security Review Committee constituted by the State Government did not find any tangible threat perception to the appellant, which could warrant providing of security by the State.

We have considered the respective submissions and perused the record. In our opinion, the appeal is a frivolous piece of litigation, which deserves to be dismissed with costs. The appellant has neither specifically pleaded nor any material has been produced before the Court to show that during his service career or thereafter he received any threat from the naxal groups or he was targeted at any time. It can, thus, be said that the so-called threat perception is a figment of imagination of the appellant, who, it appears, is finding difficult to live without the pomp and show of the position enjoyed by him during service career.

The State is under a constitutional and legal obligation to protect the life and liberty of all individuals irrespective of their status and economic affluence, but there is no law under which the State is obliged to provide security to a retired officer merely because, in the course of service, he was required to work on a particular post or in a particular area or place. Notwithstanding this, the State has been, for quite some time, providing security to former public representatives and retired public servants apparently because of the threat held out to them by the group of extremists with whom they had to deal with during their hay days. Decision in such matters is taken by the expert groups constituted by the State Government. The courts have to be extremely circumspect and loath to tinker with the assessment made by the committee/group constituted by the State Government to evaluate the relevant material and factors and then decide whether security should be provided to an individual, public representative or public servant. In such matters, the scope of judicial review is confined to cases in which the decision of the committee or expert body is found to be tainted by mala fides. However, in no case, the court can

sit in appeal over the decision of the experts and substitute its own opinion in place of the one expressed by them. The judicial fiat cannot be used for satisfying the ego or false notion of the status symbol by individual officers. There are thousands and thousands of persons like the appellant who are enamoured of security guards after their retirement. If the State was to provide security to each individual, only few will be left to maintain the law and order, investigate the crime and protect the common man, who, in our opinion, is the real sovereign.

The appellant has not produced any tangible evidence to show that the decision taken by the Security Review Committee is vitiated due to arbitrariness or mala fides. He has also failed to substantiate the bald assertion about the threat from the extremists in the State. He has not placed on record any document or other evidence to show that any extremist group has threatened him. Therefore, in the teeth of adverse recommendations made by the Security Review Committee, the appellant cannot seek a direction from the Court, which may result in putting unwarranted financial burden on the State exchequer in providing security to them on the basis of imaginary threat perception.

In view of the above discussion, we do not find any justification whatsoever to interfere with the order under challenge though we wish that such an order ought not to have been made even on the condition of payment of expenses by the appellant.

For the reasons mentioned above, the appeal is dismissed. For filing a frivolous appeal like the present one, the appellant is saddled with costs of Rs.5,000/-, which shall be deposited with Andhra Pradesh State Legal Services Authority within one month from today. The Member Secretary, Andhra Pradesh State Legal Services Authority is directed to inform the Court whether or not the appellant has deposited the amount of costs so that if it becomes necessary, the Court may direct recovery of the amount of costs in the form of arrears of land revenue.

While disposing of the appeal in the manner indicated above, we deem it proper to suo motu call for information from the State about the security provided to various persons at public expense. The learned Assistant Government Pleader for Home is directed to furnish the details of the security provided to various individuals in the State albeit without indicating the category of security. Such list should be made available to the Registrar (Judicial) within a period of six weeks from today. Thereafter, the matter be placed before one of us (the Chief Justice) for consideration whether it would be in public interest to examine the issue of providing security to undeserving persons.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.649 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

25.04.2007

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